

106TH CONGRESS  
2D SESSION

# H. R. 4553

To combat club drug trafficking, distribution, and abuse in the United States,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2000

Mrs. BIGGERT (for herself and Mr. ROGAN) introduced the following bill;  
which was referred to the Committee on the Judiciary, and in addition  
to the Committee on Commerce, for a period to be subsequently deter-  
mined by the Speaker, in each case for consideration of such provisions  
as fall within the jurisdiction of the committee concerned

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## A BILL

To combat club drug trafficking, distribution, and abuse  
in the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Club Drug Anti-Pro-  
5       liferation Act of 2000”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8               (1) The illegal importation of 3,4-methylene-  
9       dioxymethamphetamine, commonly referred to as

1 “MDMA” or “Ecstasy”, and paramethoxyampheta-  
2 mine, commonly referred to as “PMA”, have in-  
3 creased in recent years, as evidenced by the fact that  
4 club drug seizures by the United States Customs  
5 Service have risen from less than 500,000 tablets  
6 during fiscal year 1997 to more than 4,000,000 tab-  
7 lets during the first 5 months of fiscal year 2000.

8 (2) Use of club drugs can cause long-lasting,  
9 and perhaps permanent, damage to the serotonin  
10 system of the brain, which is fundamental to the in-  
11 tegration of information and emotion, and this dam-  
12 age can cause long-term problems with learning and  
13 memory.

14 (3) Due to the popularity and marketability of  
15 club drugs, there are numerous Internet websites  
16 with information on its effects, production, and the  
17 locations of use, often referred to as “raves”. The  
18 availability of this information targets the primary  
19 users of club drugs, who are most often college stu-  
20 dents, young professionals, and other young people  
21 from middle- to high-income families.

22 (4) Greater emphasis needs to be placed on—

23 (A) penalties associated with the manufac-  
24 ture, distribution, and use of club drugs;

1           (B) the education of young people on the  
2           negative health effects of club drugs, since the  
3           reputation of club drugs as “safe” drugs is its  
4           most dangerous component;

5           (C) the education of State and local law  
6           enforcement agencies regarding the growing  
7           problem of club drug trafficking across the  
8           United States;

9           (D) reducing the number of deaths caused  
10          by club drug use and its combined use with al-  
11          cohol; and

12          (E) adequate funding for research by the  
13          National Institute on Drug Abuse to—

14               (i) identify those most vulnerable to  
15               using club drugs and develop science-based  
16               prevention approaches tailored to the spe-  
17               cific needs of individuals at high risk;

18               (ii) understand how club drugs  
19               produce its toxic effects and how to reverse  
20               neurotoxic damage;

21               (iii) develop treatments, including new  
22               medications and behavioral treatment ap-  
23               proaches;

- 1 (iv) better understand the effects that  
2 club drugs have on the developing children  
3 and adolescents; and  
4 (v) translate research findings into  
5 useful tools and ensure their effective dis-  
6 semination.

7 **SEC. 3. ENHANCED PUNISHMENT OF CLUB DRUG TRAF-**  
8 **FICKERS.**

9 (a) AMENDMENT TO FEDERAL SENTENCING GUIDE-  
10 LINES.—Pursuant to its authority under section 994(p)  
11 of title 28, United States Code, the United States Sen-  
12 tencing Commission shall amend the Federal sentencing  
13 guidelines regarding any offense relating to the manufac-  
14 ture, importation, or exportation of, or trafficking in—

- 15 (1) 3,4-methylenedioxy methamphetamine;  
16 (2) 3,4-methylenedioxy amphetamine;  
17 (3) 3,4-methylenedioxy-N-ethylamphetamine;  
18 (4) paramethoxymethamphetamine (PMA); or  
19 (5) any other controlled substance, as deter-  
20 mined by the Sentencing Commission in consultation  
21 with the Attorney General, that is marketed as a  
22 club drug and that has either a chemical structure  
23 substantially similar to that of 3,4-methylenedioxy  
24 methamphetamine or paramethoxymethamphetamine  
25 or an effect on the central nervous system substan-

1 tially similar to or greater than that of 3,4-  
2 methylenedioxy methamphetamine or paramethoxy-  
3 methamphetamine; (including an attempt or con-  
4 spiracy to commit an offense described in paragraph  
5 (1), (2), (3), or (4)) in violation of the Controlled  
6 Substances Act (21 U.S.C. 801 et seq.), the Con-  
7 trolled Substances Import and Export Act (21  
8 U.S.C. 951 et seq.), or the Maritime Drug Law En-  
9 forcement Act (46 U.S.C. 1901 et seq.).

10 (b) GENERAL REQUIREMENT.—In carrying out this  
11 section, the United States Sentencing Commission shall,  
12 with respect to each offense described in subsection (a)—

13 (1) review and amend the Federal sentencing  
14 guidelines to provide for increased penalties such  
15 that those penalties are comparable to the base of-  
16 fense levels for offenses involving any methamphet-  
17 amine mixture; and

18 (2) take any other action the Commission con-  
19 siders to be necessary to carry out this subsection.

20 (c) ADDITIONAL REQUIREMENTS.—In carrying out  
21 this section, the United States Sentencing Commission  
22 shall ensure that the Federal Sentencing guidelines for of-  
23 fenders convicted of offenses described in subsection (a)  
24 reflect—

1 (1) the need for aggressive law enforcement ac-  
2 tion with respect to offenses involving the controlled  
3 substances described in subsection (a); and

4 (2) the dangers associated with unlawful activ-  
5 ity involving such substances, including—

6 (A) the rapidly growing incidence of abuse  
7 of the controlled substances described in sub-  
8 section (a) and the threat to public safety that  
9 such abuse poses;

10 (B) the recent increase in the illegal im-  
11 portation of the controlled substances described  
12 in subsection (a);

13 (C) the young age at which children are  
14 beginning to use the controlled substances de-  
15 scribed in subsection (a); and

16 (D) any other factor that the Sentencing  
17 Commission deems appropriate.

18 **SEC. 4. ENHANCED PUNISHMENT OF GHB TRAFFICKERS.**

19 (a) AMENDMENT TO FEDERAL SENTENCING GUIDE-  
20 LINES.—Pursuant to its authority under section 994(p)  
21 of title 28, United States Code, the United States Sen-  
22 tencing Commission shall amend the Federal sentencing  
23 guidelines in accordance with this section with respect to  
24 any offense relating to the manufacture, importation, or  
25 exportation of, or trafficking in—

1           (1) gamma-hydroxybutyric acid and its salts; or  
2           (2) the List I Chemical gamma-butyrolactone;  
3       (including an attempt or conspiracy to commit an  
4       offense described in paragraph (1) or (2)) in viola-  
5       tion of the Controlled Substances Act (21 U.S.C.  
6       801 et seq.), the Controlled Substances Import and  
7       Export Act (21 U.S.C. 951 4 et seq.), or the Mari-  
8       time Drug Law Enforcement Act (46 5 U.S.C. 1901  
9       et seq.).

10       (b) GENERAL REQUIREMENTS.—In carrying out this  
11       section, the United States Sentencing Commission shall  
12       with respect to each offense described in subsection (a)—

13           (1) review and amend the Federal Sentencing  
14       guidelines to provide for increased penalties such  
15       that those penalties reflect the seriousness of these  
16       offenses and the need to deter them;

17           (2) assure that the guidelines provide that of-  
18       fenses involving a significant quantity of Schedule I  
19       and II depressants are subject to greater terms of  
20       imprisonment than currently provided by the guide-  
21       lines and that such terms are consistent with appli-  
22       cable statutory maximum penalties; and

23           (3) take any other action the Commission con-  
24       siders to be necessary to carry out this subsection.

1 (c) ADDITIONAL REQUIREMENTS.—In carrying out  
2 this section, the United States Sentencing Commission  
3 shall consider—

4 (1) the dangers associated with the use of the  
5 substances described in subsection (a), and unlawful  
6 activity involving such substances;

7 (2) the rapidly growing incidence of abuse of  
8 the controlled substances described in subsection (a)  
9 and the threat to public safety that such abuse  
10 poses, including the dangers posed by overdose; and

11 (3) the recent increase in the illegal manufac-  
12 ture of the controlled substances described in sub-  
13 section (a).

14 **SEC. 5. EMERGENCY AUTHORITY TO SENTENCING COMMIS-**  
15 **SION.**

16 The United States Sentencing Commission shall pro-  
17 mulgate amendments under this Act as soon as practicable  
18 after the date of the enactment of this Act in accordance  
19 with the procedure set forth in section 21(a) of the Sen-  
20 tencing Act of 1987 (Public Law 100–182), as though the  
21 authority under that Act had not expired.



1 **SEC. 6. PROHIBITION ON DISTRIBUTION OF INFORMATION**  
2 **RELATING TO THE MANUFACTURE OR ACQUI-**  
3 **SITION OF CONTROLLED SUBSTANCES.**

4 Section 403 of the Controlled Substances Act (21  
5 U.S.C. 843) is amended by adding at the end the fol-  
6 lowing:

7 “(g) PROHIBITION ON DISTRIBUTION OF INFORMA-  
8 TION RELATING TO MANUFACTURE OR ACQUISITION OF  
9 CONTROLLED SUBSTANCES.—

10 “(1) CONTROLLED SUBSTANCE DEFINED.—In  
11 this subsection, the term ‘controlled substance’ has  
12 the meaning given that term in section 102(6) of the  
13 Controlled Substances Act (21 U.S.C. 802(6)).

14 “(2) PROHIBITION.—It shall be unlawful for  
15 any person—

16 “(A) to teach or demonstrate the manufac-  
17 ture of a controlled substance, or to distribute  
18 by any means information pertaining to, in  
19 whole or in part, the manufacture, acquisition,  
20 or use of a controlled substance, with the intent  
21 that the teaching, demonstration, or informa-  
22 tion be used for, or in furtherance of, an activ-  
23 ity that constitutes a crime; or

24 “(B) to teach or demonstrate to any per-  
25 son the manufacture of a controlled substance,  
26 or to distribute to any person, by any means,

1 information pertaining to, in whole or in part,  
2 the manufacture, acquisition, or use of a con-  
3 trolled substance, knowing or having reason to  
4 know that such person intends to use the teach-  
5 ing, demonstration, or information for, or in  
6 furtherance of, an activity that constitutes an  
7 offense.

8 “(3) PENALTY.—Any person who violates this  
9 subsection shall be fined under this title, imprisoned  
10 not more than 10 years, or both.”.

11 **SEC. 7. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT**  
12 **INTERNET WEBSITES.**

13 Not later than 90 days after the date of enactment  
14 of this Act, the head of each department, agency, and es-  
15 tablishment of the Federal Government shall, in consulta-  
16 tion with the Director of the Office of National Drug Con-  
17 trol Policy, place antidrug messages on appropriate Inter-  
18 net websites controlled by such department, agency, or es-  
19 tablishment which messages shall, where appropriate, con-  
20 tain an electronic hyperlink to the Internet website, if any,  
21 of the Office of National Drug Control Policy.

22 **SEC. 8. EXPANSION OF CLUB DRUG ABUSE PREVENTION**  
23 **EFFORTS.**

24 (a) PUBLIC HEALTH SERVICE ASSISTANCE.—Part A  
25 of title V of the Public Health Service Act (42 U.S.C. 20

1 290aa et seq.) is amended by adding at the end the fol-  
2 lowing:

3 **“SEC. 506. GRANTS FOR CLUB DRUG ABUSE PREVENTION.**

4 (a) **AUTHORITY.**—The Administrator may make  
5 grants to, and enter into contracts and cooperative agree-  
6 ments with, public and nonprofit private entities to enable  
7 such entities—

8 “(1) to carry out school-based programs con-  
9 cerning the dangers of abuse of and addiction to  
10 3,4-methylenedioxy methamphetamine, paramethoxy-  
11 methamphetamine or related drugs, using methods  
12 that are effective and science-based, including initia-  
13 tives that give students the responsibility to create  
14 their own antidrug abuse education programs for  
15 their schools; and

16 “(2) to carry out community-based abuse and  
17 addiction prevention programs relating to 3,4-  
18 methylenedioxy methamphetamine, paramethoxy-  
19 methamphetamine or related drugs that are effective  
20 and science-based.

21 “(b) **USE OF FUNDS.**—Amounts made available  
22 under a grant, contract or cooperative agreement under  
23 subsection (a) shall be used for planning, establishing, or  
24 administering prevention programs relating to 3,4-  
25 methylenedioxy methamphetamine, paramethoxy-

1 methamphetamine or related drugs in accordance with  
2 paragraph (3).

3 “(c)(1) DISCRETIONARY FUNCTIONS.—Amounts pro-  
4 vided under this section may be used—

5 “(A) to carry out school-based programs that  
6 are focused on those districts with high or increasing  
7 rates of abuse and addiction to 3,4-methylenedioxy  
8 methamphetamine, paramethoxymethamphetamine  
9 or related drugs and targeted at populations that  
10 are most at risk to start abuse of 3,4-  
11 methylenedioxy methamphetamine, paramethoxy-  
12 methamphetamine or related drugs;

13 “(B) to carry out community-based prevention  
14 programs that are focused on those populations  
15 within the community that are most at-risk for  
16 abuse of and addiction to 3,4-methylenedioxy meth-  
17 amphetamine, paramethoxymethamphetamine or re-  
18 lated drugs;

19 “(C) to assist local government entities to con-  
20 duct appropriate prevention activities relating to 3,4-  
21 methylenedioxy methamphetamine, paramethoxy-  
22 methamphetamine or related drugs;

23 “(D) to train and educate State and local law  
24 enforcement officials, prevention and education offi-  
25 cials, health professionals, members of community

1       antidrug coalitions and parents on the signs of  
2       abuse of and addiction to 3,4-methylenedioxy meth-  
3       amphetamine, paramethoxymethamphetamine or re-  
4       lated drugs, and the options for treatment and pre-  
5       vention;

6               “(E) for planning, administration, and edu-  
7       cational activities related to the prevention of abuse  
8       of and addiction to 3,4-methylenedioxy methamphet-  
9       amine, paramethoxymethamphetamine or related  
10      drugs;

11              “(F) for the monitoring and evaluation of pre-  
12      vention activities relating to 3,4-methylenedioxy  
13      methamphetamine, paramethoxymethamphetamine  
14      or related drugs, and reporting and disseminating  
15      resulting information to the public; and

16              “(G) for targeted pilot programs with evalua-  
17      tion components to encourage innovation and experi-  
18      mentation with new methodologies.

19              “(2) PRIORITY.—The Administrator shall give pri-  
20      ority in making grants under this subsection to rural and  
21      urban areas that are experiencing a high rate or rapid in-  
22      creases in abuse and addiction to 3,4-methylenedioxy  
23      methamphetamine, paramethoxymethamphetamine or re-  
24      lated drugs.

1       “(d)(1) PREVENTION PROGRAM ALLOCATION.—Not  
2 less than \$500,000 of the amount available in each fiscal  
3 year to carry out this section shall be made available to  
4 the Administrator, acting in consultation with other Fed-  
5 eral agencies, to support and conduct periodic analyses  
6 and evaluations of effective prevention programs for abuse  
7 of and addiction to 3,4-methylenedioxy methamphetamine,  
8 paramethoxymethamphetamine or related drugs and the  
9 development of appropriate strategies for disseminating  
10 information about and implementing these programs.

11       “(2) REPORT.—The Administrator shall submit an  
12 annual report containing the results of the analyses and  
13 evaluations conducted under paragraph (1) to—

14               “(A) the Committee on Health, Education,  
15 Labor, and Pensions, the Committee on the Judici-  
16 ary, and the Committee on Appropriations of the  
17 Senate; and

18               “(B) the Committee on Commerce, the Com-  
19 mittee on the Judiciary, and the Committee on Ap-  
20 propriations of the House of Representatives.

21       “(e) AUTHORIZATION.—There is authorized to be ap-  
22 propriated to carry out this subsection—

23               “(1) \$5,000,000 for fiscal year 2001; and

24               “(2) such sums as may be necessary for each  
25 succeeding fiscal year.”.

1       (b) NATIONAL YOUTH ANTIDRUG MEDIA CAM-  
2 PAIGN.—In conducting the national media campaign  
3 under section 102 of the Drug-Free Media Campaign Act  
4 of 1998 (21 U.S.C. 1801), the Director of the Office of  
5 National Drug Control Policy shall ensure that such cam-  
6 paign addresses the reduction and prevention of abuse of  
7 3,4-methylenedioxy methamphetamine, paramethoxy-  
8 methamphetamine or related drugs among young people  
9 in the United States.

○